

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BILLY RAY SHANEE MALDONADO,  
Plaintiff,  
v.  
STATE OF CALIFORNIA, et al.,  
Defendants.

No. 2:21-cv-1782 WBS AC P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983 and has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. ECF Nos. 1, 2. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1)(B).

On October 7, 2021, the undersigned noted that plaintiff had previously been determined to be a three strikes litigant within the meaning of 28 U.S.C. § 1915(g). See ECF No. 6. As a result, plaintiff was ordered to pay the filing fee and to do so within twenty-one days. See id. at 2. At that time, plaintiff was cautioned that a failure to comply with the order would result in a recommendation that this action be dismissed. See id.

The twenty-one-day period has now expired. Plaintiff has neither paid the filing fee, nor has he responded to the court's order in any way.

////


Accordingly, IT IS HEREBY RECOMMENDED that:

1. Plaintiff's motion to proceed in forma pauperis (ECF No. 2) be DENIED pursuant to 28 U.S.C. § 1915(g), and

2. This action be DISMISSED without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: November 9, 2021

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE